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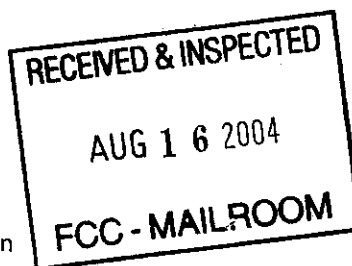
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Rabbi Yechiel M. Waxman
ADMINISTRATOR

Rabbi Menachem Levin
Rabbi Yehuda Pirutinsky
MENAHALIM
Lakewood Cheder

Mrs. Bluma Epstein
PRINCIPAL HEBREW STUDIES
Bais Faiga

Mrs. Suri Jacobovitch
PRINCIPAL GENERAL STUDIES
Bais Faiga



August 13, 2004

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Appeal Letter
Form 471 Application Number: 287218
Funding Year 5: 07/01/2002-06/30/2003
Funding Request Numbers (FRN): 797425, 797449, 797479,
797624, 797632
Billed Entity Number: 197819

CC Docket No. 02-6 *REQUEST FOR REVIEW*

We are appealing the Administrator's Decision on Appeal-Funding Year 2002-2003 dated June 18, 2004, in which an appeal for the above listed Funding Requests have been denied in full by the Universal Service Administrative Company, Schools and Libraries Division ("SLD").

FRN: 797425

On January 29, 2004 the Lakewood Cheder School received a funding commitment letter from USAC/SLD for FRN 797425. It stated the following:
Funding Commitment Decision: \$1,001.38-FRN approved as submitted
Funding Commitment Decision Explanation: The estimated monthly charge was changed to reflect the documentation provided by the applicant.

On February 26, 2004 the Lakewood Cheder School submitted an appeal to USAC/SLD in an effort to restore the funding that was reduced.

On June 18, 2004 the Lakewood Cheder School received the administrators decision on appeal. It stated the following:
Decision on Appeal: Denied in full
Explanation:

> On appeal, you affirm that the school has provided documentation as proof of payment to the service provider for the referenced FRNs as requested by SLD. You also provide a copy of the previously submitted documentation and contend that you do not understand why the majority of the FRNs were not funded.
> Upon review of the appeal letter, its relevant facts and documentation provided during the initial review, it was determined that SLD's decision to reduce the FRNs was correct. During the initial Selective Review, you were requested to provide proof of payment for the Telecommunications services requested in the application. In your response back to SLD dated November 5, 2003, you forwarded copies of invoices for a period of eight months as support documentation and proof of payment. The documentation provided as proof of payment for the above referenced FRNs was considerable less than the requested amount in the Form 471. The average payments were \$92.72/month

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and \$131.52/month; the requested amounts were for \$500/month and \$2,000/month respectively. You have failed to provide evidence that SLD has erred in its decision on appeal; consequently, your appeal is denied.

> Your form 471 application included costs for the following ineligible services: unsupported charges. FCC rules provide that funding may be approved only for eligible services. See 47 C.F.R. 54.502, 54.503. The USAC website contains a list of eligible services. See USAC website, <http://www.universalservice.org>, Eligible Services list. Program procedures provide that if an applicants funding request includes ineligible services, the funding request must be reduced. It has not been determined through our review of your appeal that the amount of the request that we reduced was for eligible items.

We are at a loss as to understand why the original funding request on the schools Form 471 was reduced and why the appeal was denied after resubmitting the necessary documentation to validate our request. In an effort to have some funds restored to the school we would like to clarify the following.

Although the school listed the main billing account number as 732-942-9100 for this FRN, as specified on the item 21 Attachment to the Form 471, it is for 8 phone lines. The invoices provided during the selective review covered a period of 14 months – not eight as stated on the appeal decision from USAC, for those 8 lines. This includes invoices from Verizon and InfoHighway (the service provider the school switched to midyear and would file a SPIN change for upon a funding commitment) for the period of June 2002-September 2003. The invoices from Verizon list 732-942-9100 and 732-370-2333 as the reference numbers however they include a total of 8 lines within them. The Invoices from InfoHighway for these same lines are the ones with account numbers 12586 and 12582 listed. These are the invoices that represent FRN 797425. Based upon these invoices as originally submitted during the selective review and with the appeal, the average monthly bill paid in full is \$237.62.

Furthermore, to our knowledge and based upon the eligible services list on the SLD website, the payments shown are not for any ineligible services. They represent basic telephone service for 8 lines which is eligible for ERate funding.

Therefore we request that at least an additional \$144.90/month (\$237.62-\$92.72) be approved for additional funding to Lakewood Cheder School.

FRN: 797449

On January 29, 2004 the Lakewood Cheder School received a funding commitment letter from USAC/SLD for FRN 797449. It stated the following:

Funding Commitment Decision: \$1,420.42-FRN approved as submitted
Funding Commitment Decision Explanation: The estimated monthly charge was changed to reflect the documentation provided by the applicant.

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On February 26, 2004 the Lakewood Cheder School submitted an appeal to USAC/SLD in an effort to restore the funding that was reduced.

On June 18, 2004 the Lakewood Cheder School received the administrators decision on appeal. It stated the following:

Decision on Appeal: Denied in full

Explanation:

> On appeal, you affirm that the school has provided documentation as proof of payment to the service provider for the referenced FRNs as requested by SLD. You also provide a copy of the previously submitted documentation and contend that you do not understand why the majority of the FRNs were not funded.

> Upon review of the appeal letter, its relevant facts and documentation provided during the initial review, it was determined that SLD's decision to reduce the FRNs was correct. During the initial Selective Review, you were requested to provide proof of payment for the Telecommunications services requested in the application. In your response back to SLD dated November 5, 2003, you forwarded copies of invoices for a period of eight months as support documentation and proof of payment. The documentation provided as proof of payment for the above referenced FRNs was considerable less than the requested amount in the Form 471. The average payments were \$9.72/month and \$131.52/month; the requested amounts were for \$500/month and \$2,000/month respectively. You have failed to provide evidence that SLD has erred in its decision on appeal; consequently, your appeal is denied.

> Your form 471 application included costs for the following ineligible services: unsupported charges. FCC rules provide that funding may be approved only for eligible services. See 47 C.F.R. 54.502, 54.503. The USAC website contains a list of eligible services. See USAC website, <http://www.universalservice.org>, Eligible Services list. Program procedures provide that if an applicants funding request includes ineligible services, the funding request must be reduced. It has not been determined through our review of your appeal that the amount of the request that we reduced was for eligible items.

We are at a loss as to understand why the original funding request on the schools Form 471 was reduced and why the appeal was denied after resubmitting the necessary documentation to validate our request. In an effort to have some funds restored to the school we would like to clarify the following.

Although the school listed the main billing account number as 732-363-5070 for this FRN, as specified on the item 21 Attachment to the Form 471 it is for 34 phone lines. The invoices provided during the selective review covered a period of 14 months – not eight as stated on the appeal decision from USAC, for those 34 lines. This includes invoices from Verizon and InfoHighway (the service provider the school switched to midyear and would file a SPIN change for upon a funding commitment) for the period of June 2002-September 2003. The invoices from Verizon list 732-363-5070, 732-370-9333, 732-370-2135 and 732-364-1552 as the reference numbers however they include a total of 34 lines within them. The Invoices from InfoHighway for these same lines are the ones with account numbers 12585, 12589, 13416,

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and 12583 listed. These are the invoices that represent FRN 797449. Based upon these invoices as originally submitted during the selective review and with the appeal, the average monthly bill paid in full was \$1511.36.

Furthermore, to our knowledge and based upon the eligible services list on the SLD website, the payments shown are not for any ineligible services. They represent basic telephone service for 34 lines which is eligible for ERate funding.

Therefore we request that at least an additional \$1,379.84/month (\$1,511.36-\$131.52) be approved for additional funding to Lakewood Cheder School.

FRN: 797479

On January 29, 2004 the Lakewood Cheder School received a funding commitment letter from USAC/SLD for FRN 797479. It stated the following:

Funding Commitment Decision: \$0.00-Insufficient Documentation
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation to determine the eligibility of this item.

On February 26, 2004 the Lakewood Cheder School submitted an appeal to USAC/SLD in an effort to restore the funding that was denied.

On June 18, 2004 the Lakewood Cheder School received the administrators decision on appeal. It stated the following:
Decision on Appeal: Denied in full
Explanation:

- On Appeal you affirm that the school has provided documentation as proof of payment to the service provider for the referenced FRNs as requested by SLD. You also provide a copy of the previously submitted documentation and contend that you do not understand why the majority of the FRNs were not funded.
- Upon review of the appeal, the relevant facts, and documentation, it was determined that SLD's decision to deny this FRN was correct. During the initial Selective Review, you were requested to provide proof of payment for the telecommunication services requested in the application. In your response back to SLD dated November 5, 2003, you forwarded copies of invoices for a period of eight months as support documentation and proof of payment. The documentation provided does not show any proof of payment, to the contrary the invoices show past due charges for several previous months of service. You failed to provide evidence that SLD has erred in its decision on appeal; consequently, the appeal is denied.

We are at a loss as to understand why the original funding request on the schools Form 471 was denied in total and why the appeal was denied after resubmitting the necessary documentation to validate our request. In an effort to have these funds restored to the school we would like to clarify the following.

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The service provider listed on the funding request is Comcast Cellular Communications. At the time the 471 was filed, Comcast and Cingular Wireless were partnered companies and shared the same SPIN. Since then, Cingular has acquired their own SPIN. This SPIN change would be submitted at the time a funding commitment would be awarded to the school, as allowed by SLD. Thus, the invoices provided for the above FRN supplied documentation for the 5 cell phones as indicated on the Item 21 attachment. The invoices cover a period of 17 months-not eight months as stated on the appeal decision from USAC. In addition all the invoices show full payments received, contrary to what is stated on the appeal decision from USAC. The associated invoices from Cingular for these 5 cell phone lines are referenced as the following account numbers: 31717440-001-39, 15057664-001-39, 17389891-001-39, 31866221-001-39, and 32834095-001-39.

We therefore appeal that the funds requested for the above listed FRN be approved as full payment had been remitted to the service provider for the period covering the associated funding year-and beyond.

FRN: 797624

On January 29, 2004 the Lakewood Cheder School received a funding commitment letter from USAC/SLD for FRN 797624. It stated the following:

Funding Commitment Decision: \$0.00-Insufficient Documentation
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation to determine the eligibility of this item.

On February 26, 2004 the Lakewood Cheder School submitted an appeal to USAC/SLD in an effort to restore the funding that was denied.

On June 18, 2004 the Lakewood Cheder School received the administrators decision on appeal. It stated the following:
Decision on Appeal: Denied in full
Explanation:

➤ On Appeal you affirm that the school has provided documentation as proof of payment to the service provider for the referenced FRNs as requested by SLD. You also provide a copy of the previously submitted documentation and contend that you do not understand why the majority of the FRNs were not funded.

➤ Upon review of the appeal, the relevant facts, and documentation, it was determined that SLD's decision to deny this FRN was correct. During the initial Selective Review, you were requested to provide proof of payment for the telecommunication services requested in the application. In your response back to SLD dated November 5, 2003, you forwarded copies of invoices for a period of eight months as support documentation and proof of payment. The documentation provided does not show any proof of payment, to the contrary the invoices show past due charges for several previous months of service. You failed to provide evidence that SLD has erred in its decision on appeal; consequently, the appeal is denied.

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Invoices from Verizon, the service provider listed on the Form 471 had been provided during the selective review by SLD and again in our appeal for the above listed FRN. As detailed on the Item 21 attachment, it is for four (4) T1 lines. The following billing number may reference the invoices submitted: 201 R20-9548 234, 201 R20-7333 246, and 201 R20-0242 248. While it is true that the majority of these particular invoices are not marked specifically as paid other than the one with billing number 201 R20-9548 234 listed with payments amounting to a credit, however, being that the Lakewood Cheder School has many accounts with this service provider, overpayments on accounts such as just noted and others not documented during the review could be applied to this service and are not reflected as such. Proof being, there is no service provider that would allow services to be delivered for such an extended period of time without an interruption of service or demand for payment. In as much as this was not mentioned in our response, neither did any of the reviewers bother to contact us for an explanation of the documentation provided if any was not clear. We therefore request that the funding applied for and the specific amounts of the costs for those services during the associated funding year be approved.

FRN: 797632

On January 29, 2004 the Lakewood Cheder School received a funding commitment letter from USAC/SLD for FRN 797632. It stated the following:

Funding Commitment Decision: \$0.00-Insufficient Documentation
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation to determine the eligibility of this item.

On February 26, 2004 the Lakewood Cheder School submitted an appeal to USAC/SLD in an effort to restore the funding that was denied.

On June 18, 2004 the Lakewood Cheder School received the administrators decision on appeal. It stated the following:
Decision on Appeal: Denied in full
Explanation:

- On Appeal you affirm that the school has provided documentation as proof of payment to the service provider for the referenced FRNs as requested by SLD. You also provide a copy of the previously submitted documentation and contend that you do not understand why the majority of the FRNs were not funded.
- Upon review of the appeal, the relevant facts, and documentation, it was determined that SLD's decision to deny this FRN was correct. During the initial Selective Review, you were requested to provide proof of payment for the telecommunication services requested in the application. In your response back to SLD dated November 5, 2003, you forwarded copies of invoices for a period of eight months as support documentation and proof of payment. The documentation provided does not show any proof of payment, to the contrary the invoices show past due charges for several previous months of service. You failed to provide evidence that SLD has erred in its decision on appeal; consequently, the appeal is denied.

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We are at a loss as to understand why the original funding request on the schools Form 471 was denied and furthermore why the appeal was denied after resubmitting the necessary documentation to validate our request. In an effort to have these funds restored to the school we would like to clarify the following.

The billing account number listed on the Item 21 attachment for the above FRN is 732-370-6400. The invoices provided during the selective review covered a period of 16 months – not eight as stated on the appeal decision from USAC for the billing number listed as 732-370-6499 with Verizon and account number 14759 with Infohighway. These are invoices that include 732-370-6400 as well as 99 other PRI lines included in the funding request. The invoices provided are from Verizon-the service provided listed on the funding request and InfoHighway (the service provider the school switched to midyear and would file a SPIN change for upon a funding commitment) for the period of June 2002-September 2003. Payments toward the balance due had been remitted to the respective service providers and as such were valid requests for funding.

Therefore, we request that funding be approved for the above request numbers for amounts listed on the invoices as provided during review and appeal.

It is difficult and unfathomable to comprehend why none of the two reviewers assigned to the selective review and the board responsible for making a decision for the appeal did not at any time make any contact with us to gain clarification on all the documentation provided if it was not easily understandable, as is evident that it was not. The Lakewood Cheder School has applied for ERate funding in other funding years of the grant and there has always been a clear, steady flow of communication in responding to further requests for information by the SLD. The selective review and appeal to SLD would not have been any different had the attempt been made. Moreover, this appeal to the FCC would have been unnecessary as well.

Enclosed please find the documentation provided during Selective review and the appeal for your convenience.

For more information or discuss this appeal I can be reached at 732-370-2597.

We ask the administrator of the FCC to overturn this decision and restore funding to our school.

We look forward to your most favorable response.

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Respectfully submitted by,

Yechiel M. Waxman

Rabbi Yechiel M. Waxman
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